

## **REMARKS**

Claims 1-7 remain pending in the present application. Claims 1 and 6 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-7 rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. The claims have been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 4-7, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. (U.S. Pat. No. 5,058,558). Applicants respectfully traverse this rejection. The Examiner has defined the inlet to air cleaner 13 as being behind the radiator in the longitudinal direction where it is connected to a duct (air intake 26). While it could be argued that air intake 26 is a part of the air cleaner, applicants have amended Claim 1 to define that the inlet of the air cleaner is in communication with air at a location behind the radiator as viewed in the longitudinal direction of the vehicle. Applicants believe this limitation overcomes the Examiner's interpretation of air intake 26 which places air cleaner 13 in communication with air in front of radiator 51.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 4-7 which ultimately depend from Claim 1 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2-3, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al., as disclosed above in reference to Claims 1 and 4-7. Claims 2 and 3 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Applicants believe Claims 2 and 3 also patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:

  
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